

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DONTE McCLELLON,

Plaintiff,

-against-

WEBULL FINANCIAL LLC,

Defendants.

24-CV-8442 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is proceeding *pro se* and *in forma pauperis* (“IFP”), has filed two motions requesting *pro bono* counsel, and a motion for service of summons. (ECF 3, 4, 11.)

DISCUSSION**A. Motions for counsel**

The factors to be considered in ruling on a motion for *pro bono* counsel include the merits of the case, Plaintiff’s efforts to obtain a lawyer, and Plaintiff’s ability to gather the facts and present the case if unassisted by counsel. *See Cooper v. A. Sargent Co.*, 877 F.2d 170, 172 (2d Cir. 1989); *Hodge v. Police Officers*, 802 F.2d 58, 60-62 (2d Cir. 1986). Of these, the merits are “[t]he factor which command[s] the most attention.” *Cooper*, 877 F.2d at 172. Because it is too early in the proceedings for the Court to assess the merits of the action, the motions are denied without prejudice to renewal at a later date.

B. Motion for service

Plaintiff moves for an order of service. Under 28 U.S.C. § 1915(e)(2)(B), all cases filed IFP undergo a screening process to determine whether the action is “frivolous or malicious,” “fails to state a claim on which relief may be granted,” or “seeks monetary relief against a

defendant who is immune from such relief.” *Id.* Because Plaintiff’s complaint has not yet been screened, the Court denies the motion for service without prejudice as premature.

CONCLUSION

The Court denies the motions without prejudice, and the Clerk of Court is directed to terminate them. (ECF 3, 4, 11.)

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: May 30, 2025
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge